

REMARKS

Claims 16, 19-30, 37-40, and 43-50 are currently pending. By this supplemental response, Applicant has amended independent claims 16, 27, 37, 44, and 48. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

The claim amendments submitted herein are those proposed during Applicant's interview with the Examiner of March 29, 2011. For instance, amended claim 1 recites:

generating a **unique tracking code** for a single medical device loaded with a drug, wherein **said unique tracking code uniquely identifies said single medical device loaded with a drug** such that **said unique tracking code is different from each tracking code assigned to other medical devices loaded with said drug**,

In an informal e-mail communication to Applicant's representative dated June 14, 2011, the Examiner stated, "I did an updated search for the proposed amendments, and found out that Claey's (US 4,853,521) teaches the newly added features." Applicant respectfully disagrees because, at best, Claey's is merely cumulative of the prior art already applied by the Examiner.

Claey's discloses a system in which "[a] bar code is applied to each syringe to enable rapid verification of syringe contents by scanning of the syringe and the bar coded manufacturer's container." (Col. 1, lines 32-34.) In particular, Claey's discloses:

- The syringe's "bar code label ... preferably includes an alpha-numeric portion providing the generic name and tradename of the drug plus the dilution." (Col. 2, lines 57-61.)
- The manufacturer's container is also bar coded. (Col. 2, lines 64-65.)
- Before a procedure, a syringe 11 and a manufacturer's container C are arranged opposite one another on a tray T. (Fig. 2.)
- During the procedure, the bar code of a syringe is scanned, the bar code of a manufacturer's container is scanned, and a comparison is made to confirm that the syringe contains the intended contents. An error message and an optional alarm are output if there is a discrepancy. (Fig. 5A)

- A computer “maintain[s] an electronic record of the information represented by the bar codes scanner for transfer to a permanent record at a later time.” (Col. 3, lines 37-41; Fig. 5B.)

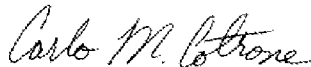
Accordingly, Claey's is merely concerned with “verif[ying] the drug and dosage administered and provid[ing] a data stream which is processed to provide a second review opportunity and ultimately a log.” (Col. 1, lines 28-31.) Claey's does not teach or suggest a unique tracking code for a single syringe, wherein the code uniquely identifies the syringe and is different from codes assigned to syringes that have the same contents. To the contrary, in Claey's, the exclusive focus is on syringe contents. Thus, two syringes in Claey's that each contain the same drug/dilution would have the same bar code. Moreover, Claey's is completely devoid of any teaching or suggestion of a system or method that, like Applicant's claimed invention, is capable of tracking data associated with a particular medical device.

For at least the above reasons, Claey's and the other prior art of record do not teach or suggest at least “a unique tracking code for a single medical device loaded with a drug, wherein said unique tracking code uniquely identifies said single medical device loaded with a drug such that said unique tracking code is different from each tracking code assigned to other medical devices loaded with said drug,” as recited in amended claim 1.

The remaining claims recite similar limitations, as well as additional subject matter not taught or suggested by the prior art of record.

In light of the above, Applicant respectfully requests that the Examiner issue a timely Notice of Allowance. The Examiner is invited to contact the undersigned in the event that a telephone discussion would be helpful in advancing the prosecution of the application.

Respectfully submitted,



Carlo M. Cotrone
Reg. No. 48,715

Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202-4108
(414) 271-6560